



Town of Carlisle

MASSACHUSETTS 01741

Office of
PLANNING BOARD

MINUTES

April 23, 1979

Present: Chaput, Sauer, Coulter, Kulmala, Hannaford, Courant
Raftery

Regarding the Minutes of the March 26 Meeting, it was pointed out that the statement that the Conservation Commission had tried to prevent building on the Widmer lot was inaccurate; that dispute involved another lot. It was also pointed out that the letter from Town Counsel regarding the Housing Study Committee had not yet been attached to the Minutes of the March 12 meeting. The Minutes of the March 26 Meeting were accepted as amended.

Regarding the Minutes of the April 9 meeting, it was felt that Town Counsel should be identified by name, Neil Melone. The Minutes were accepted as amended.

Charles Richardson, with his engineer, Roger Corbin of Joseph Moore Associates, made an informal presentation of a plan for land on Fiske Street showing Lot 1, a porkchop with 4.842 acres and 40 foot frontage, Lot 2, a porkchop with 4.003 acres and 40 foot frontage, Parcel X to be designated as not a legal building lot, and Lot 3, containing 4.838 acres and approximately 570 foot frontage. It was noted that Lot 3 contains an existing dwelling and could not be divided without a variance, since any lot line would come too close to the building.

The plan also showed a driveway which is to be shared by Lots 1 and 2. The driveway and culverts are already constructed. Richardson will file for a determination from the Conservation Commission. It was suggested that a covenant for maintenance of the driveway should be prepared for review by the Board and that the common portion of the driveway should be clearly indicated on the plan.

Richardson will formally present the plan at the May 14 meeting with an Application for Approval Not Required. If he wishes to request a public hearing on that date for the Application for a Common Driveway Permit, he will file the Application with Kay Kulmala tomorrow, April 24.

At the invitation of the Board, Charlie Evans and Bill Melia were present. Evans, Carlisle's representative to MAPC explained the duties of that office to the Board and to Melia, who has indicated his willingness to have his name recommended to the Selectmen for appointment. Evans said that one of the primary functions of MAPC was to funnel Federal grants. He said that the amount of time spent on MAPC business depended entirely upon how much a person wants to become involved. The Carlisle representative would be put on one of the technical advisory committees; these committees generally meet three or four times a year. He said that Carlisle joined MAPC in 1970. Recently it had been grouped in a northwest subregion and that concentration was on more local assistance.

His last official act was to request that the Board update the Project List prepared a year ago. Any changes in projects or priorities should be noted before it goes to the Selectmen for final approval.

Bill Melia, who had worked for MAPC in the 1960's, felt that Charlie's shoes will be difficult to fill, but he will try should the Selectmen choose to appoint him. The Board expressed its appreciation to Charlie for his long years of service to Carlisle and the hope that his advice will continue to be available.

Discussion took place on the Widmer petition for a public hearing to rescind approval of the Hemlock Hills subdivision plan. Frank Hannaford reported on the discussion which had just taken place at the ConsCom meeting. There is some ponding of water at the end of the west culvert which is worse when the ground is frozen. ConsCom did not want the culvert which runs parallel to Milne Cove extended to the brook. The hill has always been there and ConsCom felt it had done its part. The DPW has cleared out the culverts and have attempted to clear the one that runs under Milne Cove but have run into a snag at an elbow. A rotorooter will have to be used to clear the line, which the DPW plans to do. (Widmer feels that clearing this culvert will make his problem worse.)

George Nickerson pointed out that if it were not for the two lots still owned by him, the subdivision as an entity would not be under fire; this would be a dispute between neighbors. He also said that under riparian rights he was permitted to dump water on someone's land, but not take it away.

MGL 41, referenced in Widmer's petition, gives the Planning Board the power to modify, amend or rescind its approval of a plan for a subdivision or to require a change. A question: Can the Board go outside of the subdivision to correct drainage problems? The only two subdivision lots which would be affected by any modification of the subdivision plan would be the two lots which are not released. It was pointed out that even if the Planning Board rescinds the plan, it does not prohibit the Town from accepting the road. Town Counsel, Neil Melone, has received copies of the petition and the letter from Widmer to Nickerson & Foster.

Tony Mathias, Virginia Farme Lane, pointed out that the Board of Health rules and regulations state that the Planning Board should pay attention to drainage and how such drainage would affect surrounding properties.

Members of the Board expressed their feelings that any forum that can be devised would be better than taking this to litigation. It was felt that all reasonable leniency should be granted but there is no point in having a public hearing unless there is some remedy which the Board could enforce. Questions: Has anything really changed in the past 5 to 15 years? What is the Planning Board's authority in this matter? Is there a proposed solution? Is the petitioner a party in interest? Which of the 1974 Rules and Regulations are in violation? Those points should be stated as a goal for a public hearing.

It was unanimously voted to deny a public hearing on the petition received by the Board. Upon receipt of a new petition, addressing the points above, a copy will be forwarded to Town Counsel for an opinion as to the Planning Board's jurisdiction and to the Selectmen, in their capacity as Board of Health. It was suggested that this portion of the Minutes be sent to the Selectmen and that the Conservation Commission be included in the Public Hearing.

Tom Raftery and Hal Sauer reported on their recent attendance at a Selectmen's meeting and the work the Selectmen and Building Committee are doing relative to the DPW and the June 13/14 Special Town Meeting. The Selectmen plan to go to Town Meeting with analyses of the four sites (Sly Fox, Transfer Station, and Sites A & B on the Conant Land). The Selectmen would not take a position relative to making a recommendation but Town Meeting would make the decision. It seemed that while the Selectmen might like input from other Town Boards, no formal recommendations were requested.

It was felt that the Planning Board should review all previous reports and make a recommendation to Town Meeting. It was suggested to print the rationale for the recommendation beforehand. It was thought that since the October 1976 Report was so close to the Board's present thinking, that it need only be updated and summarized.

It was also felt that the Board should continue to have a member attend the Wednesday meetings of the Selectmen and Building Committee to determine what criteria the Selectmen are using to analyze and compare the four sites. The Board should also go on its own course and apply Planning Board criteria to the sites and make its recommendations known to the other Town Boards.

Members of the Board will meet informally on May 6 to review the previous reports and prepare a draft summary for formal acceptance by the Board at a future meeting.

It was reported that Mr. Davis, whose Application for a Common Driveway Permit on Westford Road will be heard on May 14, had been unable to get a building permit for construction on Lot 2. Since the driveway is totally contained on Lot 2 and would serve as a private driveway if the Common Driveway Permit were not granted, he should be allowed to begin construction. Frank Hannaford will call the Building Inspector, Jim Barron, with this information.

Paul Courant reported briefly on the status of the Master Planning Committee.

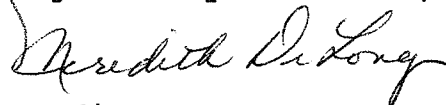
The preliminary application to MAPC for technical assistance in Town Center Planning has been received by MAPC and the Board has been informed that a full application is due on June 29.

ConsCom has asked if the Planning Board can require fire ponds as part of granting a Common Driveway Permit. This should be kept in mind as a suggestion to applicants.

The MAPC Project List was updated as follows: (1) DPW, (2) Multifamily Housing for the Elderly, (3) Police Communications, (4) Fire Station and (5) Municipal Office Building.

Meeting adjourned at 11:30 p.m.

Respectfully submitted,



Meredith DeLong
Secretary to the Board